OSGOODE HALL LAW JOURNAL

Editors-in-Chief

THOMAS J. LOCKWOOD
C. GAYLORD WATKINS

Editor—The Supreme Court Review
and
Case-Note Editor

COLIN C. COOLICAN

Treasurer

JO-ANN MIYAGAWA

Business Manager

J. RONALD SMITH

Editorial Assistants

STEPHEN M. MARMASH
ROBERT JOHN CANNINGS

Faculty Advisors

GRAHAM E. PARKER, LL.B., LL.M.
WILLIAM A. NEILSON, B.COM., LL.B., LL.M.

INDEX

TITLES OF LEADING ARTICLES

Page

A BEHAVIOURAL APPROACH TO THE JUDICIAL PROCESS: SCALOGRAM ANALYSIS.
Sidney Raymond Peck 1

DISCOVERING THE ONTARIO INQUEST.
J. C. E. Wood 243

THE ENFORCEMENT OF CONFORMITY TO LAW THROUGH CONTEMPT PROCEEDINGS.
C. Gaylord Watkins 125

A HISTORY OF ROYAL COMMISSIONS.
Thomas J. Lockwood 172

JOHN HOWARD SISSONS AND THE DEVELOPMENT OF LAW IN NORTHERN CANADA.
Brian O. Bucknall 159

THE ONTARIO SECURITIES COMMISSION AS AN ADMINISTRATIVE TRIBUNAL.
Brian P. Bellmore 210

STATISTICAL ANALYSIS OF [1966] S.C.R. 29

TAKE-OVER BIDS AND THE SECURITIES ACT OF 1966.
Robert L. Falby 227

AUTHORS OF LEADING ARTICLES

BELLMORE, Brian P.
The Ontario Securities Commission as an Administrative Tribunal 210

BUCKNALL, Brian O.
John Howard Sissons and the Development of Law in Northern Canada 159

FALBY, Robert L.
Take-Over Bids and the Securities Act of 1966 227

LOCKWOOD, Thomas J.
A History of Royal Commissions 172

PECK, Sidney Raymond
A Behavioural Approach to the Judicial Process: Scalogram Analysis 1

WATKINS, C. Gaylord
The Enforcement of Conformity to Law Through Contempt Proceedings 125

WOOD, J. C. E.
Discovering the Ontario Inquest 243

NOTES AND COMMENTS

APPLEBY, Ronald
The Queen in the Right of the Province of Ontario v. *Jennings* 44

BEATTY, David M.
Mann v. *The Queen* 60

BUCKNALL, Brian
Regina v. *George; Sigeareak E-1-53* v. *The Queen* 113

CAMPBELL, Archie Gray
Re Tilco Plastics Ltd., v. *Skurjat et al.*; *Attorney-General for Ontario* v. *Clark et al.* 267

COOLICAN, Colin C.
Regina v. *Carker* 78

DONNELLY, Brian
O'Connor v. *The Queen* 54

ELLIOTT, George
City of Ottawa v. *Boyd Builders Ltd.* 94

FRANKS, D. E.
Bakery and Confectionary Workers' International Union of America Local 468 v. *White Lunch Ltd. et al.* 37

NELSON, Clifford S. and Steele, Ray L.
Sidmay Ltd. et al. v. *Whettam Investments Ltd.* 282

ROTH, Frank L.
Bintner v. *Regina Public School Board District No. 4* 295

ROTH, Frank L.
Lepine v. *University Hospital Board & Monckton* 105

STEELE, Ray L.
Sidmay Ltd. et al. v. *Whettam Investments Ltd.*
by Clifford S. Nelson and Ray L. Steele 282

TEMELINI, P.
Lamb v. *Manitoba Hydro-Electric Board* 305

WHITE, Donald D.
Clarkson Co. Ltd. v. *Canadian Bank of Commerce et al.* 88

ZALDIN, Lawrence D.
Regina v. *MacDonald and Mt. Pleasant (B.C. 177) Branch of Royal Canadian Legion* 72

BOOK REVIEWS

(Reviewer's name in brackets)

THE REPORT OF THE SPECIAL COMMITTEE ON HATE PROPAGANDA IN CANADA. Queen's Printer and Controller of Stationery, Ottawa: 1966.
(W. Gunther Plaut) 313

CHAMBERLAIN, Neil W. and Kuhn, James W.
COLLECTIVE BARGAINING. Second Edition, McGraw-Hill, New York: 1965.
(Bernard L. Adell) 318

CRAY, Ed
A FORERUNNER OF THINGS TO COME, THE BIG BLUE LINE. Longmans Canada Limited, Toronto: 1967.
(Norman J. Freedman) 329

CRISPO, John H. G. (ed.)
INDUSTRIAL RELATIONS: CHALLENGES & RESPONSES. University of Toronto, 1966.
(Roman A. Maksymiw) 324

CRISPO, John H. G.
INTERNATIONAL UNIONISM: A STUDY IN CANADIAN-AMERICAN RELATIONS. McGraw-Hill Canada, 1967.
(Brian B. Norton) 321

FELSHER, Howard and Rosen, Michael
THE PRESS IN THE JURY BOX. MacMillan, New York: 1966.
(Brock Grant Jr.) 330

FOOTE, Caleb, Levy, R. J. and Sander, Frank E. A.
CASES AND MATERIALS ON FAMILY LAW.
Little Brown & Co., Boston: 1966.
(John Montgomery Barber) 337

HALL, J. C.
SOURCES OF FAMILY LAW. Cambridge University Press, Cambridge: 1966.
(John Montgomery Barber) 337

HAMILTON, E. Douglas
LIBEL, RIGHTS, RISKS, RESPONSIBILITIES, by Robert H. Phelps and E. Douglas Hamilton. MacMillan, New York: 1966.
(Robert John Cannings) 340

KUHN, James W.
COLLECTIVE BARGAINING, by Neil W. Chamberlain and James W. Kuhn. Second Edition, McGraw-Hill, New York: 1965.
(Bernard L. Adell) 318

LEVY, R. J.
CASES AND MATERIALS ON FAMILY LAW, by Caleb Foote, R. J. Levy and Frank E. A. Sander. Little Brown & Co., Boston: 1966.
(John Montgomery Barber) 337

MacGUIGAN, Mark R.
JURISPRUDENCE: READINGS AND CASES.
University of Toronto Press. 1966.
(John Swan) 332

NADER, Ralph
UNSAFE AT ANY SPEED. Musson Book Co., New York: 1965.
(Morton Shulman, M.D.) 336

PHELPS, Robert H. and Hamilton, E. Douglas
LIBEL, RIGHTS, RISKS, RESPONSIBILITIES. MacMillan, New York: 1966.
(Robert John Cannings) 340

ROSEN, Michael
THE PRESS IN THE JURY BOX, by Howard Felsher and Michael Rosen. MacMillan, New York: 1966.
(Brock Grant Jr.) 330

SANDER, Frank E. A.
CASES AND MATERIALS ON FAMILY LAW, by Caleb Foote, R. J. Levy and Frank E. A. Sander. Little Brown & Co., Boston: 1966.
(John Montgomery Barber) 337

SCHMEISER, D. A.
CASES AND COMMENTS ON CRIMINAL LAW.
Butterworths, Toronto: 1966.
(Mary Virginia MacLean) 327

Other Books Received 342

SUBJECT MATTER INDEX

Administration of Justice 1, 159
Administrative Law 37, 210

Civil Rights 54, 295
Commissions and Committees of Inquiry 172
Constitutional Law 60
Contempt 267
Contempt of Court 125, 267
Coronors 243
Corporations 227
Courts 29, 125, 243
Criminal Law 54, 60, 72, 78, 125

Damages 44

Eskimos 113, 159, 165
Expropriation 305

Game Laws 113, 165
Government Inquiries 172

Income Tax 44
Indians 113, 159, 165
Injunction 267
Inquests 243

Judges 1, 153, 159
Judicial Behaviouralism 1
Judicial Statistics 29

Labour Law 37, 267
Legal History 113, 152, 159, 172

Mechanics Liens 88
Mortgages 282
Motor Vehicle Offenses 60
Municipal Law 94

Negligence 60, 105

Ontario Securities Commission 210

Royal Commissions *see* Commissions and Committees of Inquiry

Scalogram 1
Securities 210, 227
Sissons, John Howard 159
Supreme Court of Canada 29
Supreme Court Reports, Statistics 29-34

Take-Over Bids 227
Taxation 44
Torts 105
Trusts 88

CASES CITED
(Case comments in heavy print)

A

Allison and the Court of Referees, Re 215
Attorney-General v. Butterworth 281
Attorney-General v. Whelan 85
Attorney-General of Commonwealth of Australia v. Colonial Sugar Refinery Company 176
Attorney-General for Ontario v. Clark et al. **267**
Attorney-General of Quebec v. Begin 56

B

Bakery and Confectionary Workers' International Union of America Local 468 v. White Lunch Ltd. et al. **37**
Bampton v. R. 73
Bartlett v. Vinor 284
Batary v. Attorney-General for Saskatchewan 213-14, 252
Billingham v. Hughes 50
Bintner v. Regina Public School Board District #4 ..... **295**
Blackwood v. Andre 51
Board of Education v. Rice 217
Bonanza Creek Gold Mining Co. v. R. 283-84
Bridgeman v. City of Toronto, Re 100, 103
British Movietonews Ltd. v. London and District Cinemas Ltd. 332
British Transportation Commission v. Gourley 44-53

C

Cahoon v. Edmonton Hospital Board 110
Campbell v. Sumida 328
Canadian Petrofina Ltd. v. PR Martin and City of St. Lambert 97-98, 103
Chabot v. School Commissioners 304
Chapman v. Michaelson 289, 290
City of Ottawa v. Boyd Builders Ltd. **94**
City of Toronto v. Trustees of Roman Catholic Separate Schools 97, 102
Clarkson Co. Ltd. v. Canadian Bank of Commerce et al. **88**
Cohen v. J. Lester Ltd. 292
Coloquhoun v. Brooks 288
Commercial Life Assurance Co. v. Drever 284-85

D

Diamond v. Campbell-Jones 47
Donald v. Board of Education 304
Donoghue v. Stevenson 332
D.P.P. v. Shaw 332

F

Fender v. Mildmay 332
Fraser v. The Queen 305-309

G

General Printers v. Thomson 277
Glasgow Corporation v. Muir 108-109
Granada Investments Ltd. v. Toronto, Re 97, 100
Grand Trunk Railroad of Canada v. Attorney-General of Canada 67
Guay v. Lafleur 184-85

H

Hall & Co. Ltd. v. Pearlberg 47
Hammond v. City of Hamilton 96-97
Hopedale Developments Ltd. and Oakville, Re 220
Howard and City of Toronto, Re 99, 100

J

Jacobs v. L. C. C. 332
Joy Oil v. Gillies 101

K

Kallooar v. Regina 115-16, 165-66, 168
Kasumu v. Baba-Egbe 292
Katie's Adoption Petition, Re 162, 168
King v. Lady McMaster 117
Knapman and the Board of Health of the Township of Saltfleet, Re 217-18
Kogolak v. The Queen 165
Kuchma v. Rural Municipality of Tachex 102

L

Labour Relations Board of B.C. et al. v. Oliver Co-Operative Growers Exchange and Okanagon Federated Shipping Association 39-40
Lamb v. Manitoba Hydro-Electric Board **305**
Leblanc v. Board of Education 301
Lepine v. University Hospital Board & Monckton **105**
Loblaws Groceteria Co. Ltd. v. Town of Brockville, Re 104
Lochner v. N.Y. 332
Lodge v. National Union Investment Co. 289-93
Loiselle v. The Queen 64

M

Magor and St. Mellons R.D.C. v. Newport Corporation 332
Mann v. The Queen **60**
Markity and Fort Erie, Re 97
McGuinness v. Attorney-General (Victoria) 176
Montreal Trust Co. v. Abitibi Power and Paper Co. Ltd. 284-285
More v. Queen 86-87
Murphy v. St. Catherine's General Hospital et al. 111
Mutual Investments, Re 284

N

Nelson v. Larbolt 290
Nissho v. Longshoremen's Union 279-81
Noah Estate, Re 161, 167

O

O'Connor v. The Queen **54**
O'Grady v. Sparling 61-69
Ontario Crimes Commission, Ex parte Feeley and McDermott, Re 178

P

Peterkin v. Hydro Electric Power Commission 220
Procureur Général de la Province de Québec v. Hébert 146-47, 150, 274, 279-80
Provincial Secretary of the Province of P.E.I. v. Egan 61

Q

Queen in the Right of the Province of Ontario v. Jennings **44**

R

R. v. Almon 127, 131
R. v. Barnes 248, 260
R. v. Binus 63, 65, 69-71
R. v. Carker **78**
R. v. Cherry and Long 74
R. v. Davies 279
R. v. Devine 256
R. v. George **113**
R. v. Goodman 81
R. v. Gray 55
R. v. Hawkins 248
R. v. Jeffers 64
R. v. Kogogolak 115-16, 120
R. v. Koonungnak 165-66, 169
R. v. Kyd 163, 170
R. v. Latimer 65
R. v. MacDonald and Mt. Pleasant (B.C. 177) Branch of Royal Canadian Legion **72**
R. v. McHugh 81
R. v. Modeste 163
R. v. Neale 277
R. v. Otokiak 163
R. v. Pon Chung et al. 76
R. v. Prince 328
R. v. Sawicki 328
R. v. Schwerdt 328
R. v. Seabrook 63
R. v. Sikyea 113-14, 120, 165-66
R. v. Smith 177
R. v. Steeves 57
R. v. Stundon 328
R. v. Tolson 328
R. v. Vandervoot 328
R. v. White 64
R. v. White and Bob 116
R. v. Whiteford 327
R. v. Yolles 61-62, 65
Raja Vyricherla Narayana Gajapatiraju v. The Revenue Divisional Officer, Vizagapatan 305-309
Robinson v. Annapolis General Hospital and Kerr 111
Russell v. The Queen 60

S

St. John v. Fraser 215
St. John Shipping Corp. v. J. Rank Ltd. 295
Scruttons Ltd. v. Midland Silicones 332
Securities Act and Gardiner, Re 217
Sidley Re 262
Sidmay Ltd. et al. v. Whettam Investments Ltd. **282**
Sigeareak El-53 v. The Queen **113**
Skyway Drive-In Theatres Ltd. v. Township of London, Re 101
Smith v. Selwyn 328
Smith v. The Queen 68

Soltys and Soltys v. Middup Moving and Storage Ltd. 49
Stradel v. Albertson et al. 110
Sweet and City of Toronto, Re 99-100

T

Tilco Plastics Ltd. v. Skurjat et al., Re 136, 151, **267**

U

Upper Canada Estates Ltd. and MacNicol, Re 97

V

Vancouver General Hospital v. McDaniel et al. 111
Vita Food Products v. Urius Shipping Company 295
Voghell v. Voghell and Pratt 161

W

Way v. City of St. Thomas et al. 288
Wilkinson v. Thomas et al. 303
Wiswell v. Metropolitan Winnipeg 104
Wolfe v. Robinson 254
Woolington v. D.P.P. 328

Y

Yarwood v. Smith's Falls Board of Education 302
Young v. Attorney-General of Manitoba, Boxall and Fryer 259